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October 5, 2016

**By ECF To:**

Honorable Richard J. Sullivan  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Vincent Bertolino v. City of New York, et al.; 15 Civ. 7327 (RJS)

Dear Judge Sullivan:

I am counsel for Plaintiff in this action. I write, along with opposing counsel Elissa Jacobs, Esq., to jointly inform the Court that Plaintiff has accepted a Rule 68 offer made by Defendants, and to jointly respectfully request that the Court adjourn *sine die* all upcoming deadlines (including Friday's deadline for Plaintiff's reply letter on his motion for sanctions concerning Officer Lopez, which is now moot<sup>1</sup>).

Plaintiff will be submitting a proposed Judgment Pursuant to Rule 68 to the Court. The parties will also be attempting to negotiate the attorney's fees and costs to be paid in conjunction with the acceptance of the Rule 68 Offer, and if successful in doing so will submit a proposed Stipulation and Order concerning the fees and costs along with the proposed Rule 68 Judgment. If the parties are unsuccessful at negotiating the fees and costs, Plaintiff will move for attorney's fees and costs following the entry of the Judgment Pursuant to Rule 68.

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<sup>1</sup> Also now moot is Plaintiff's pending motion for partial reconsideration concerning non-party witness Moises Perez.

The parties thank the Court for its consideration in this matter.

Respectfully submitted,

/S/

Jeffrey A. Rothman

cc: Elissa Jacobs, Esq. (by ECF)